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SUPREME COURT DECISION SUPPORTS DISCIPLINED APPROACH FOR TEST DEVELOPMENT

Ricci et al. v. DeStefano et al.

FOR IMMEDIATE RELEASE:

WASHINGTON, DC (July 1, 2009) – The recent US Supreme Court decision in the case of *Ricci et al. v. DeStefano et al.*, demonstrates the need for sound test development procedures - and independent affirmation of those procedures - in order to assure the validity of test results, according to the National Organization for Competency Assurance (NOCA), the world's leading non-profit association of organizations and individuals involved in the credentialing field.

In *Ricci*, the City of New Haven had discarded the results of a firefighter test based on a concern that the racial disparity among those who passed and those who failed made the City vulnerable to being sued for unlawful discrimination. The Justices were in unanimous agreement that a key consideration in evaluating the propriety of the City's actions was the soundness of the test development process.

Mindful of the potentially enormous impact of standardized testing on public policy and societal considerations, NOCA has developed and maintained, through its accreditation council the National Commission for Certifying Agencies (NCAA), the *NCCA Standards for the Accreditation of Certification Programs (NCCA Standards)*. These Standards provide an overall quality framework that help to ensure the development and implementation of a reliable and valid certification program while also requiring consistency with governmental standards reflected, in part, in the *Uniform Guidelines on Employee Selection Procedures* (Equal Employment Opportunity Commission, Civil Service Commission, United States Department of Labor, and United States Department of Justice, 1978) and in voluntary guidelines such as the *Principles of Fairness: An Examining Guide for*

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Credentialing Bodies (Council on Licensure, Enforcement and Regulation, and the National Organization for Competency Assurance, 1993) and the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 1999).

In *Ricci*, both the majority and the dissenting Justices closely examined the circumstances surrounding the development of the firefighter test. The majority opinion, written by Justice Kennedy, found those methods to have been sound, resulting in a valid test that was based on business necessity. The methods employed in this case and sanctioned by the Court in regard to performing the job analysis and constructing the examination are consistent with those required by the *NCCA Standards*. Due to the processes followed by the test developer, the Supreme Court was able to have a level of confidence in the assessment development process.

In dissent, Justice Ginsberg, joined by three other Justices, concluded that the evidence called into question the appropriateness of the test methodology. Much of that evidence consisted of testimony by interested persons; what was lacking was a vehicle for independent, objective assessment. NCCA Accreditation Program has provided that independent confirmation to the certification industry for over 30 years.

In light of the *Ricci v. DeStefano* decision, NOCA reaffirms the principle that testing bodies have a legal and moral obligation to provide decision makers at all levels of government the most objective, consistent, and understandable data upon which difficult public policy decisions (such as the one presented to the City of New Haven) can be made. The *NCCA Standards* are a testament to NOCA's affirmation of this principle by that a certification organization abide by all applicable antidiscrimination laws, and that they incorporate ethnic and gender diversity consideration in the development of their job/practice analysis and examinations. NOCA further points out that certification bodies employing the *NCCA Standards* in the development and administration of their programs are adhering to psychometrically sound and legally defensible practices. To further support its commitment to the *NCCA Standards*, NOCA provides third party validation of compliance with the *NCCA Standards* through an accreditation program implemented by the NCCA. Today, the NCCA Accreditation program represents the largest accreditation program for certification bodies in North America.

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NOCA is available to answer any questions or provide guidance on the credentialing and testing profession. The NCCA Standards are available by visiting the NOCA website at www.noca.org.

Established in 1977, NOCA is the international leader in setting quality standards for credentialing organizations and through its division, the National Commission for Certifying Agencies (NCCA), has provided over 30 years of accrediting services to the credentialing industry. NOCA's membership is composed of credentialing organizations, testing companies and individual professional development consultants. Through its annual conference, web seminars and publications, NOCA serves as the source for information on the latest trends and issues of concern to practitioners and organizations focused on certification, licensure and human resources development. NOCA and NCCA are headquartered in Washington, DC, with an office in Chicago. The Web site address is www.noca.org.

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